



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

F. Garcia - FYI.

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ACTION MEMORANDUM/OSC REPORT

DATE: DEC 10 1992

SUBJECT: Justification and Documentation for an Emergency Removal Action at the Kroger Mall PERC Drums Site, Atlanta, Fulton County, Georgia

FROM: *Christopher A. Militscher*
Christopher A. Militscher, On-Scene Coordinator
Emergency Response and Removal Branch

TO: SITE FILE

COPY TO: Joseph R. Franzmathes, Director
Waste Management Division

Site No.: BA
Delivery Order No.: 4001-F4-042

I. PURPOSE

The purpose of this Action Memorandum is to provide the justification and documentation of the removal action described herein for the Kroger Mall PERC Drums site, located in Atlanta, Fulton County, Georgia, hereinafter referred to as the "Site". This Site is not listed on the National Priorities List (NPL) and there are no known nationally significant or precedent-setting issues associated with this response. This removal action was taken under the On-Scene Coordinator's (OSC) removal authority of \$50,000.

II. SITE CONDITIONS AND BACKGROUND

The Kroger Mall PERC Drums site is located at 4920 Roswell Road, in Atlanta, Georgia. The site was reported to the U.S. Environmental Protection Agency's (EPA) standby duty officer, Mr. Paul Peronard, On-Scene Coordinator on October 9, 1992, at approximately 1000 hours. Based upon the information provided by the reporting party, Ms. Elizabeth Douglas of Fletcher/Bright Company, a drum with a

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hazardous waste label was found abandoned behind a busy retail mall. The main food store at this mall complex was Kroger Stores and the drum was located behind this store. The drum appeared to be leaking, had a terrible odor, and was discovered several hours earlier by a maintenance worker who found the drum beside a solid waste dumpster. Ms. Douglas also reported the incident to Georgia Environmental Protection Division (GEPD) and the City of Atlanta Fire Department. EPA received the report through the National Response Center (Case No. 140014).

Based upon the limited information received and the potential exposure to the public in a populated area, EPA OSC's Militscher and Francis Garcia responded at approximately 1100 hours. The Emergency Response Cleanup Services (ERCS) contractor was placed on standby for potential response efforts.

Mr. William Steiner, Chief of the Removal Management Section, contacted GEPD to determine if they were going to respond. Based upon information provided to the OSC's, GEPD did not have any funding in place to perform a removal if one was required.

III. ACTIONS TAKEN

The OSC's arrived at the site at approximately 1120 hours and met with the City of Atlanta Fire Department officials. The Atlanta Fire Department personnel had diked the leaking drum with some soil located nearby and inspected the area where the drum was located. There were several other drums located in the dumpster and on the ground next to the dumpster. The Atlanta Fire Department official described the terrible odor from the drums as "decaying animal or human remains". The liquid coming from the leaking drum was brown in color and fairly viscous.

The Atlanta Fire Department departed shortly after EPA's arrival. Ms. Douglas arrived on site and claimed that the mall's real estate management company had no knowledge as to the source of the drums and that they had been illegally dumped on their property.

The OSC's performed a preliminary inspection of the drums (a total of 4) and found that the generic EPA Hazardous Waste labels were for dry cleaning wastes containing perchloroethylene (PERC) and included a D001 designation. No other information on the drums could be obtained which could identify a Potentially Responsible Party (PRP). Several of the drums were found to be empty and two were found to contain materials, including spent dry cleaning filters with liquid residues.

Based upon the potential threat of exposure to the public from the leaking drums containing suspected hazardous substances, including PERC, the Site was determined by the OSC to meet the Section 300.65 National Contingency Plan (NCP) criteria for a removal action.

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Thus, the OSC activated ERCS to perform a cleanup and removal of these drums. While awaiting their arrival, the OSC's inspected a dry cleaning facility (Fashion Cave Cleaners) located within the mall complex to determine if the materials belonged to them. The manager of the dry cleaning facilities demonstrated to the OSC's that their filters were different, that they had up-to-date disposal records, and their waste storage drums were a different type of drum. Thus, the OSC's inquired as to where the source of these drums might be and the manager indicated that half a dozen dry cleaning facilities within a quarter of a mile from the Site might use similar filters and drums.

The ERCS contractor arrived at approximately 1200 hours and overpacked the leaking drums and cleaned-up the spilled materials. The wastes were transported and manifested to the MKC Enterprises facility in Doraville, Georgia for temporary storage. Samples were taken and analyzed by Law and Company. The wastes were found to be organic liquids, aqueous liquids, and non-hazardous solids. Based upon the waste materials found and other bids received, MKC Enterprises (Facility Part B permit no. HW-005(S)) was determined by the OSC to be the most cost effective choice for treatment and disposal of the wastes.

IV. ESTIMATED COSTS

The Delivery Order (D.O.) issued to the ERCS contractor for this project was \$5,000. The D.O. was modified on October 8, 1992, for an increase of \$10,000 to total \$15,000 for the ERCS project ceiling. This modification was made to cover any contingency costs associated with the disposal of the wastes.

An estimated \$5,700 was spent to perform this removal action, including disposal. There were no TAT costs associated with this removal. Intramural EPA costs are estimated to be \$600. No further funding is required for this project and it is anticipated that emergency removal funds of at least \$9,000 can be de-obligated from this D.O. in the near future.

V. SUMMARY

This emergency response and removal action was necessary to mitigate a potential exposure to the public from direct contact and air emissions from hazardous substances believed present. The leaking drums were a continued threat to the environment and public health if allowed to be left uncontrolled. Several hundred people, including employees at the mall's retail stores, could have been exposed to harmful substances if removal actions were not taken promptly.

Local and State agencies (i.e. GEPD) lacked the ability to provide

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mitigation for this incident. The Atlanta Fire Department provided initial response efforts but was not capable of performing a complete cleanup and removal action and requested EPA's assistance upon arriving on site.

Based upon the first-hand information obtained by the OSC's during the preliminary inspection and the surrounding site conditions, a removal action was necessary to cleanup spilled materials and remove the drums in a timely manner consistent with NCP criteria. The OSC utilized the limited \$50,000 procurement authority delegated by EPA's Procurement Contracts Management Division (No. 87-26-A008-B-0320) to the OSC in accordance with Region IV policy and redelegations.

Any similar incidents involving dry cleaning wastes in the Atlanta area will also be referred to the EPA Office of Criminal Investigation and the RCRA Compliance Branch for further investigations.